

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 10, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Objections

Claims 1 and 6 have been objected for various informalities. Both of those claims have been amended to correct those informalities. Applicant submits that claims 1 and 6 are no longer objectionable.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Claims 1, 6, and 21-22

Claims 1, 6, and 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kocis, et al. ("Kocis," U.S. Pat. No. 5,854,828) in view of Grossi, et al. ("Grossi," U.S. Pat. No. 5,604,341). Applicant respectfully traverses the rejection.

Kocis describes a telephonic customer support utility for providing diagnostic support of a customer computer. As shown in Figure 1, a customer computer 12 (i.e., a desktop personal computer) is connectable via a conventional telephone network to a customer support computer 20 (i.e., another desktop personal computer). No other equipment is disclosed or suggested by Kocis.

In forming the rejection, the Examiner states:

Regarding claim 1, Kocis teaches a method for providing customer support to a peripheral device, i.e., a user computer . . .

As is well known to persons having ordinary skill in the field of Applicant's claimed inventions, a "computer" such as Kocis' desktop personal computer is simply not a "peripheral device", as is claimed by Applicant. As defined by Webopedia (www.webopedia.com), an online encyclopedia of computer terms, the term "peripheral device" is defined as (emphasis added):

A computer device, such as a CD-ROM drive or printer, *that is not part of the essential computer*, i.e., the memory and microprocessor. Peripheral devices can be external -- such as a mouse, keyboard, printer, monitor, external Zip drive or scanner -- or internal, such as a CD-ROM drive, CD-R drive or internal modem. Internal peripheral devices are often referred to as *integrated peripherals*. Also see I/O.

In other words, a "peripheral device" is a device that is *peripheral to* a computer. Therefore, the term, as is readily understood in the art, does not include a computer, such as Kocis' desktop personal computer. Although Applicant appreciates that the Examiner may interpret claim terms broadly during prosecution of the application, Applicant notes that the Examiner cannot directly contradict the well-established, plain meaning of a claim term in an attempt to force the disclosure of a patent reference to fit Applicant's claim language. To ignore the well-established meaning of the term "peripheral" in claim 1 and to treat the claim as simply reciting a generic "device" is to ignore an explicit claim limitation. Applicant respectfully submits that this is per se improper.

In the interest in expediting allowance of Applicant's claims, Applicant has amended independent claim 1, as well as independent claim 21, to state that the claimed peripheral device is "one of a printer, photocopier, facsimile machine, scanner, digital

sender, or multifunction peripheral". This addition is supported by Applicant's specification on page 5, lines 3-4, and removes any possibility for argument that Kocis discloses a "peripheral device."

Given that Kocis does not disclose implementation of his support utility within a peripheral device, such as one of those peripheral devices now explicitly claimed by Applicant, Kocis fails to teach an explicit feature of Applicant's claims. Applicant notes that it further would not have been obvious to a person having ordinary skill in the art to place Kocis' utility within a peripheral device given that neither Kocis nor Grossi even mentions a peripheral device. Moreover, given the distinct nature of computers (or automatic teller machines (ATMs)) and peripheral devices, it would simply not occur to a person having ordinary skill in the art to implement Kocis' utility in a peripheral device. Specifically, given the differences in computing power and memory capacity between computers and peripheral devices, such implementation would not be a trivial matter.

As is acknowledged by the Examiner, Kocis also fails to teach integrating a customer support unit Kocis' into disclosed computer. To account for this deficiency, the Examiner identifies the Grossi reference. As described in Applicant's previous Response, however, Grossi only concerns a ATMs. In formulating the argument, the Examiner states:

... Grossi teaches to integrate a peripheral device, i.e., an ATM machine, with a customer support unit, i.e., video conferencing unit ...

Once again, the Examiner ignores the well-established, plain meaning of the term "peripheral device." Stately simply, an ATM is not a peripheral device. Specifically, an

ATM is not a device that is used peripherally relative to a computer. Therefore, Grossi's teaching of video conferencing in relation to an ATM is not analogous to peripheral devices such as printers, photocopiers, facsimile machines, scanners, digital senders, or multifunction peripherals, which one would typically find in an office.

As a further point, Applicant notes that a person having ordinary skill in the art of computers, such as Kocis' desktop personal computer, would not turn to ATM technology to identify modifications for a computer. In other words, the Grossi reference is non-analogous art relative to the Kocis reference. It is clear that the teachings of Kocis and Grossi are only being combined as a result of improper hindsight to Applicant's own specification and claims.

Even if computers and ATMs were within analogous areas of art, missing is a teaching or suggestion to make the proffered combination. Specifically, neither reference provides any indication whatsoever that the teleconferencing features of the Grossi ATM could be used with a conventional computer, such as Kocis' desktop personal computer. Furthermore, also missing from the references is an indication as to how such an implementation would be performed.

In view of the above, Applicant respectfully submits that the rejection of claims 1, 6, and 21-22 under Kocis in view of Grossi is improper and should be withdrawn.

B. Claims 15, 17, 19, and 20

Claims 15, 17, 19, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roztocil (GB Pat. No. 2,288,100A) in view of Lee (U.S. Pat. No. 6,542,897) and Grossi. Applicant respectfully traverses this rejection.

As described in the Applicant's previous Response, Roztocil discloses a reproduction apparatus support network that includes a reproduction apparatus 12, such

as a copier or printer, that includes an internal computer 14 that monitors and stores the functions of the reproduction apparatus. The internal computer is connected to the support network.

The support network includes a customer assistance center 30 that customers can call, using a standard telephone 90, to talk to an operator that can answer questions about the reproduction apparatus. The telephone is not integrated into the reproduction apparatus.

In addition to the customer assistance center, the support network further includes a separate diagnostic and administrative device 40 that has the ability to collect data from a particular reproduction apparatus, analyze the collected data, and provide “output signals, including signals, sent back to the particular reproduction apparatus, designating alterations necessary for effective operation of such reproduction apparatus.”

Roztocil, page 6, line 31 to page 7, line 1.

As is acknowledged by the Examiner, Roztocil does not disclose or suggest a peripheral device that includes “a web server module of the peripheral device that is adapted to collect information as to the status and settings of the peripheral device and generate web pages containing the status and setting information” as is required by independent claim 15.

To account for that deficiency, the Examiner identifies the Lee reference. In relation to Lee, the Examiner states:

. . . Lee teaches a customer support system using an Internet having a user computer including Internet communications means that can be connected to the customer support server through Internet (abstract) and a customer support engine for

generating web pages containing status and setting information of the peripheral device (col. 4 line 50 through col. 5 line 22)...

Accordingly, the Examiner notes that Lee teaches a user computer that can connect to a server that serves web pages that contain general information about a product the user may own. This disclosure falls far short, however, of teaching a web server module "of the peripheral device" as is required by independent claim 15. As an even casual review of claim 15 reveals, Applicant is claiming a system in which the user's peripheral device, about which the user is seeking support, includes a web server module that collects information about that actual peripheral device and makes that information available to customer support representatives.

In view of the above, the Lee teaching is inadequate on many levels. First, Lee's web server is not contained within *any* peripheral device. Applicant refers the Examiner to the previous discussion as to what the term "peripheral device" means provided in relation to claims 1, 6, and 21-22 above. Second, Lee's web server is not on the *user's* peripheral device. Therefore, the web server cannot "collect" any information about the *user's* device, or communicate any specific information about the conditions being experienced by *that particular device* to a customer service representative. Moreover, it is exceedingly clear that Lee (and Roztocil for that matter) fails to disclose a system "wherein the user can communicate with the customer support representative via the customer support unit while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a

recommendation to the user via the customer support unit based on the obtained status and settings information” as is now required by claim 15.

As for the teachings of Grossi, Applicant refers the Examiner back to the discussion of Grossi provided above in relation to claims 1, 6, and 21-22. In short, Grossi does not concern peripheral devices and, therefore, a person having ordinary skill in the art would not turn to Grossi to modify the peripheral device of Roztocil without improper hindsight to Applicant’s specification and claims. Accordingly, there is no proper teaching to provide Roztocil’s peripheral device with a “customer support unit that is adapted to be integrated with and electrically connected to the peripheral device, the customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative” as is required by claim 15.

Turning to independent claim 20, Applicant refers the Examiner back to the discussion regarding the claimed “web server module” provided in relation to claim 15. Applicant further notes that none of the references teach or suggest a system “wherein the user can communicate with the customer support representative using the speaker, display, microphone, and video camera while the customer support representative reviews the status and settings information of the peripheral device that the customer support representative obtained from a web page generated by the web server module, such that the support representative can provide a recommendation to the user based on the obtained status and settings information” as is now required by claim 20.

C. Claims 23-24

Claims 23-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kocis in view of Grossi and further in view of Houghton, et al. ("Houghton," U.S. Pat. No. 6,009,153). Applicant respectfully traverses this rejection.

Applicant refers the Examiner to the discussion of independent claim 21 provided above. In that Houghton does not remedy the deficiencies of the Kocis and Grossi references described in the foregoing, Applicant respectfully submits that claims 23 and 24, which depend from claim 21, are allowable over Kocis/Grossi/Houghton for at least the same reasons that claim 21 is allowable over Kocis/Grossi.

D. Claims 25-26

Claims 25-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Houghton in view of Kocis. Applicant respectfully traverses the rejection.

Houghton discloses facsimile machines and programming methods for those facsimile machines. The facsimile machines include a system controller 130 that includes a programming controller 140 that controls the operation of setting operating parameters stored in the controller memory 145. Houghton, column 6, lines 1-4.

In formulating the rejection, the Examiner states (emphasis added):

... Houghton discloses a peripheral device (5, figure 2) comprising a scanner (100, figure 2) and a programming controller (140, figure 2) read as an embedded web server configured to collect and post peripheral device configuration information ...

Applicant respectfully objects to the above unwarranted interpretation of Houghton's programming controller. As noted above, the programming controller is used to control the settings of the peripheral device. *Nowhere* is it stated that the controller is a "web server" as is required by Applicant's claim 25. Once again, the Examiner is ignoring the well-established, plain meaning of an explicit claim limitation. As is defined by Webopedia (www.webopedia.com), a web server is:

A computer that delivers (*serves up*) Web pages. Every Web server has an IP address and possibly a domain name. For example, if you enter the URL *http://www.pcwebopedia.com/index.html* in your browser, this sends a request to the server whose domain name is *pcwebopedia.com*. The server then fetches the page named *index.html* and sends it to your browser . . .

Houghton neither describes his programming controller as a "web server" nor describes a functionality of the programming controller that would qualify the controller as a web server. In particular, Houghton's programming controller does not "serve up" Web pages so that another can access those pages using a browser. The Examiner's interpretation of Houghton's programming controller is completely unfounded and is therefore clearly improper.

Regarding the application of the Kocis reference, Applicant refers the Examiner back to the discussion of Kocis provided in relation to claims 1, 6, and 21-22. In short, Kocis pertains to conventional computers and not peripheral devices. Therefore, the teachings of Kocis are neither relevant to Applicant's claims nor Houghton's facsimile machine.

E. Claims 27-28

Claims 27-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Houghton in view of Kocis and further in view of Grossi. Applicant respectfully traverses the rejection.

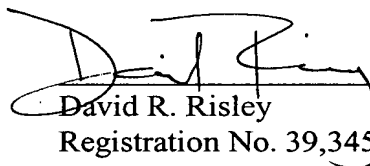
Applicant refers the Examiner to the discussion of claim 25 provided above. In that Grossi does not remedy the deficiencies of the Houghton and Kocis references described in the foregoing, Applicant respectfully submits that claims 27 and 28, which depend from claim 25, are allowable over Houghton/Kocis/Grossi/ for at least the same reasons that claim 25 is allowable over Kocis/Grossi.

Applicant further refers the Examiner to the discussion of Grossi provided in the foregoing. Again, Grossi pertains to ATMs, not peripheral devices, such as Houghton's facsimile machine.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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5-10-04

Signature

